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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,512	11/10/2003	Tung Yan Lau	P/3987-47	4832
2352	7590	01/30/2007	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HOUSTON, ELIZABETH	
		ART UNIT		PAPER NUMBER
				3731
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/30/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,512	LAU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth Houston	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>111003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 4 and 5, specifically “pinching edges are annularly extending edges with a radius substantially similar to the cylindrical rotor”; “pinching edges are proximate more to each other than the planar facing regions”; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 4 is objected to because of the following informalities: It is unclear how the "pinching edges" can have a radius. Should applicant have intended to mean that the radius (or radial height from the central axis) of the blades, it is still unclear how the radial height of the blades are similar to the radial height of the cylindrical motor since figures 6a and 6b only show the blades being about half as tall as the motor.

Appropriate correction is required.

3. Claim 5 is objected to because of the following informalities: it is unclear what is meant by "the pinching edges are proximate more to each other than the planar facing regions in consequence of said blades at least at said planar facing regions being inclined to each other." Appropriate correction is required.

4. Claim 9 recites the limitation "said blade" in line 1. It is unclear whether it is intended to be the stationary blade or the movable blade.

5. Claim 21 recites the limitation "the corresponding blade" in line 1. It is unclear whether it is intended to be the stationary blade or the movable blade.

6. Claim 25 recites the limitation "a respective annular slot" in line 2 implying that there is more than one annular slot, however, claim 24 recites the limitation "an annular slot". Therefore there is lack of antecedent basis for the limitation "a respective annular slot" in the claims.

**35 USC § 112 Sixth Paragraph**

7. It is assumed that the applicant is invoking 35 USC 112 sixth paragraph by use of the claim language "*means for to capture said shaft with said support body to lock shaft from rotating*" as stated in claim 27. As stated in the specification, the means capture and lock the shaft is the "stub ends of the shaft which may be of a square or rectangular or other non-circular configuration." As stated in Paragraph [0086] and their equivalents.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-13, 15-23, 26, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sueyoshi et al. (USPN 6,045,559).**

10. Sueyoshi discloses an epilating device comprising a cylindrical rotor for an epilating device including a rotor body (30), a shaft (25), at least one array (50) of radially extending blade pairs, each blade pair having a rotor body stationary blade (52) and a movable blade (62). The blade pairs are positioned to present mutually interacting pinching edges. The movable blade is mounted on a shuttle (70) carried by the rotor body and in a cammed disposition (80) with the shaft. The cammed disposition includes cooperative surfaces of the shaft and the shuttle so that upon rotation of the shaft, the shuttle moves in an oscillating manner in directions parallel to the axis of rotation of the

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rotor. The movement of the shuttle brings each blade pair into and out of engagement with the circumference of the rotor to entrap and release hairs. The blades of each blade pair are non-parallel to place the pinching edges of the blades more proximate to each other (Fig. 9). The blades include planar facing regions extending radially inwardly from the pinching edges (Fig. 5). The pinching edges extend to the edge of the cylindrical rotor. The pinching edges are more proximate to each other than the planar facing regions (top array of blades in Fig. 9). The movable blades (62), including the planar facing region, are inclined and the stationary blades (52), including the planar facing region, are parallel to the radial plane of the rotor. The blades are made from flexible sheet metal (Col 5, line 53) and when the blades are in pinching edge contact, they are also in part planar facing region contact. Each array includes at least five blade pairs (each stationary blade is associated with two movable blades to comprise two different blade pairs). The rotor body defines a cavity (34) within which the shuttle is allowed to oscillate in the axial direction yet remain stationary in the rotational direction. The cavity includes an opening for the blade pairs. The rotor body includes a perimeter surface (71) intermediate of the opening, which includes annularly extending grooves, axially spaced and aligned with the space between the pair of blades when in a non-engaged position to encourage alignment of hair for capturing (Col 5, line 40-42). The stationary blades are in alignment with the other blades of the other arrays (Fig. 9 shows the station with either the top edges or bottom edges of the movable blades of the other array). Each shuttle moves independent of other shuttles. The shuttle includes a projection (70) for engagement with a cam surface (75, 80). The camming relationship

moves the shuttle predominant axial position where the blade pairs are non-engaged to an intermittent axial position where the blade pairs are engaged.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueyoshi et al in view of Inoue et al. (USP 2002/0052611).**

13. Sueyoshi discloses the invention substantially as claimed as stated above except for the limitations "three arrays of blade pairs are provided".

14. Inoue discloses an epilating device with at least three arrays (50) of blade pairs.

15. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate more than two arrays of blade pairs into the epilating device in order to achieve maximum efficiency of hair removal per rotation of the cylindrical rotor. The inventions are analogous with each other and the instant invention and therefore the combination is proper.

**16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sueyoshi et al in view of Cabrero (USPN 5,171,315).**

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17. Sueyoshi discloses the invention substantially as claimed as stated above except for the limitations "three arrays of blade pairs are provided" and "means to capture said shaft said support body to lock said shaft from rotating".
18. Cabrero disclose a shaft having ends with a polygonal cross-section in order to secure the shaft to the body and prevent rotation (Col 2, line 58-61).
19. It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate polygonal cross section at the ends of the shaft to prevent rotation since it is a structural technique that is known in the art as evidenced by Cabrero. The inventions are analogous with each other and the instant invention and therefore the combination is proper.

***Allowable Subject Matter***

20. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Houston whose telephone number is 571-272-7134. The examiner can normally be reached on M-F 9:00-5:30.

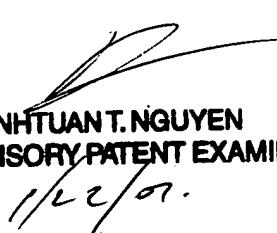
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

eh



  
ANHTUAN T. NGUYEN  
SUPERVISORY PATENT EXAMINER

1/22/07